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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Aerial Acres Water System
18130 Avenue B
North Edwards, CA 93523

Attn: Delton Matlock, Board President
Aerial Acres Water System

CERTIFIED MAIL

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTIONS 64426.1(b)(2) and 64426.1(b)(3)**

WATER SYSTEM NO. 1500405

C I T A T I O N NO. 03-19-15C-008

Issued on July 17, 2015

STATEMENT OF FACTS

Aerial Acres Water System (hereinafter Water System) is classified as a community water system and serves a population of approximately 172 persons through 53 service connections.

The Water System operates under the authority of a domestic water supply permit (#03-12-97P-006) issued on April 18, 1997, by the State Department of Health Services.

1 Section 116650 of the California Health and Safety Code authorizes the issuance of a
2 citation to a public water system for violation of the California Safe Drinking Water
3 Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with
4 Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit
5 or order issued or adopted thereunder.

6
7 The State Water Resources Control Board, acting by and through its Division of
8 Drinking Water (hereinafter "Division") and the Deputy Director for the Division
9 (hereinafter "Deputy Director"), hereby issues a citation to Aerial Acres Water System
10 (mailing address: 18130 Avenue B, North Edwards, CA 93523) for violation of
11 California Code of Regulations (CCR), Title 22, Sections 64426.1 subsection (b)(2)
12 and 64426.1 subsection (b)(3).
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15 • The Water System collects one (1) routine distribution system bacteriological
16 sample per month.
- 17 • On May 8, 2015, Michelle Olsen of AVEK Laboratory notified the Division by
18 telephone that a routine distribution system sample collected on May 6, 2015,
19 from the Aerial Acres Water System tested positive for total coliform and *E.*
20 *coli* bacteria.
- 21 • On May 8, 2015, A Boil Water Notice (BWN) was issued by the Division to
22 the Water System. A Certification of Completion of Public Notification form
23 and investigation report template were also sent to the Water System on May 8,
24 2015 when the BWN was issued.
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- 1 • On May 11, 2015, the Division received signed and dated copies of the
2 Certification of Completion of Public Notification and the BWN. According to
3 these documents, public notification was completed on May 9, 2015.
- 4 • As part of the corrective actions, the Water System staff inspected its two
5 wells, storage tanks, and distribution system, and also reviewed operation of
6 the arsenic treatment plant along with completion of an investigation of the
7 *E.coli* positive sample.
- 8 • To help clear bacteriological contamination, the Water System disinfected the
9 sampling location, increased chlorine dosage at the wellhead chlorination
10 treatment facility and flushed the distribution system.
- 11 • On May 8, 2015, a total of eight (8) repeat bacteriological quality samples were
12 collected, and they all tested negative for total coliform bacteria. Three (3) of
13 these samples were collected from the distribution system, two (2) from the
14 storage tanks, one (1) from the effluent of arsenic treatment plant, and two (2)
15 from the Water System wells (Well 02 and Well 03).
- 16 • On May 11, 2015, as part of the second set of repeat samples, a total of eight
17 (8) bacteriological quality samples were collected, from the distribution
18 system, storage tanks, and both wells. The original routine site that tested
19 positive for *E.coli* bacteria on May 6, 2015, again tested positive for *E.coli*
20 bacteria. The remaining seven (7) samples collected on May 11, 2015, tested
21 negative for total coliform bacteria.
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- 1 • On May 13, 2015, after additional disinfecting and flushing the *E.coli* positive
2 sampling location, a bacteriological sample was collected from the same
3 location and the result was negative for total coliform bacteria.
- 4 • On May 26, 2015, another set of eight (8) repeat samples were collected, and
5 all eight (8) samples tested were negative for total coliform bacteria. Three (3)
6 of these samples were collected from the distribution system, two (2) from the
7 storage tanks, one (1) from the effluent of arsenic treatment plant, and two (2)
8 from the Water System wells.
- 9 • **Aerial Acres Water System failed the total coliform and *E. coli* maximum**
10 **contaminant level (MCL) for May 2015 [Section 64426.1(b)(2), Section**
11 **64426.1(b)(3)Authorities].**
- 12 • On June 1, 2015, the Division received a completed copy of the investigation
13 report from Mr. Delton Matlock. According to the investigation report,
14 possible causes of the *E.coli* positive sample were reported to be due to the
15 contamination of the routine sampling location and/or high wind conditions in
16 the area at the time of collection of the routine sample.
- 17 • On June 1, 2015 and June 8, 2015, a total of five (5) routine samples were
18 collected from the distribution system and they all tested negative for total
19 coliform bacteria.
- 20 • On June 12, 2015, a Safe Water Notice was issued by the Division to the Water
21 System.
- 22 • Results of all (source and distribution) bacteriological samples collected from
23 January 2014 to June 2015 are summarized in **Attachment A**.

AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

"(a) Each public water system shall reimburse the Division for the actual costs incurred by the Division for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The Division shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the Division. The costs set forth in the invoice shall not exceed the total actual costs to the Division of the enforcement activities specified in this section."...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

"(a) If the Division determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the Division may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the Division may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the Division may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The Division shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any Division regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

Section 116655 of the CHSC, states in relevant part:

"(a) Whenever the Division determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the Division.
- (3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(2) That purification or treatment works be installed."

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Division or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

(1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or

(2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or

(3) Any repeat sample is fecal coliform-positive or E. coli-positive; or

(4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Division by the end of the business day on which this is determined, unless the determination occurs after the Division office is closed, in which case the supplier shall notify the Division within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

DETERMINATIONS

Based upon the above *Statement of Facts and Authorities*, the Division has determined that the Aerial Acres Water System has violated the following:

1. CCR, Title 22, Sections 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for May 2015, when more than one sample collected in May 2015, tested positive for total coliform bacteria and *E. coli* bacteria.
2. CCR, Title 22, Sections 64426.1(b)(3); Specifically, the Water System violated the *E. coli* MCL for May 2015, when one (1) sample collected in May 2015, tested positive for *E. coli* bacteria.

The above violations are classified as non-continuing violations.

DIRECTIVES

Aerial Acres Water System is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64426.1(b)(2) and 64426.1(b)(3), of Title 22, California Code of Regulations.
2. The Water System shall reimburse the Division, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different

1 date if specified by the Division) of the fiscal year following the fiscal year in
2 which such costs are incurred as described in CHSC Sections 116577(a)(1-2)
3 and 116577(b).
4

5 **FURTHER ENFORCEMENT ACTIONS**

6 Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the Division
7 to: issue additional citations with assessment of penalties if a public water System
8 continues to fail or correct a violation identified in a citation; take action to suspend or
9 revoke a permit that has been issued to a public water System if the System has
10 violated applicable law or regulations or has failed to comply with orders of the
11 Division; and petition the superior court to take various enforcement measures against
12 a public water System that has failed to comply with orders of the Division. The
13 Division does not waive any further enforcement action by issuance of this citation.
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16 **PARTIES BOUND**

17 This citation shall apply to and be binding upon Aerial Acres Water System, its
18 officers, directors, agents, employees, contractors, successors, and assignees.
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21 **SEVERABILITY**

22 The directives of this citation are severable, and Aerial Acres Water System shall
23 comply with each and every provision thereof, notwithstanding the effectiveness of
24 any other provision.
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CIVIL PENALTIES

Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil penalty for failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the Division imposing an administrative penalty of not less than \$200 (two hundred dollars) per day as of the date of violation of any provision of this Citation.

July 17, 2015

Date

Jaswinder S. Dhaliwal

Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Drinking Water Field Operations Branch

Certified Mail No. 7015 0920 0000 3175 8297

ATTACHMENT

Attachment A: Summary of Bacteriological Samples Collected from January 2014 – June 2015

CC: Kern County Environmental Health Services Department (w/o attachment)
Paul Parra, Designated Operator of Aerial Acres Water System (via e-mail)

JSD/dc

Attachment A

Aerial Acres Water System

1500405

Distribution System Freq: 1/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/5/2015	6:15	19141 Peerless Bl	A	A		Routine			
2/4/2015	10:15	18110 Ave B.	A	A		Routine			
3/4/2015	6:15	19078 Alma St	A	A		Routine			
4/1/2015	10:00	18210 Ave B.	A	A		Routine			
5/6/2015	6:15	18368 Claymine	P	P		Routine			BWN Issued 5/8/2015
5/8/2015	9:00	18269 Claymine	A	A		Repeat			
5/8/2015	9:10	18368 Claymine	A	A		Repeat			
5/8/2015	9:18	Storage Tank #1	A	A		Repeat			
5/8/2015	9:20	Storage Tank #2	A	A		Repeat			
5/8/2015	9:25	Arsenic TP	A	A		Repeat			
5/8/2015	9:30	19036 Claymine	A	A		Repeat			
5/11/2015	6:10	Storage Tank #1	A	A		Other			
5/11/2015	6:15	Storage Tank #2	A	A		Other			
5/11/2015	6:30	Arsenic TP	A	A		Other			
5/11/2015	6:50	19036 Claymine	A	A		Other	0.2		
5/11/2015	6:58	18269 Claymine	A	A		Other			
5/11/2015	7:04	18368 Claymine	P	P		Other		MCL	Citation 03-19-15C-008 being Issued
5/13/2015	6:00	18368 Claymine	A	A		Other			
5/26/2015	5:30	19036 Claymine	A	A		Other			SWN Issued 6/13/2015
5/26/2015	5:35	18267 Claymine	A	A		Other			
5/26/2015	5:50	18363 Claymine	A	A		Other			
5/26/2015	6:08	Tank #1	A	A		Other			
5/26/2015	6:10	Tank #2	A	A		Other			
5/26/2015	6:15	Arsenic TP	A	A		Other			
6/1/2015	5:15	19141 Peerless R	A	A		Routine			
6/8/2015	5:30	18110 Avenue B	A	A		Routine			
6/8/2015	5:40	19078 Alma St.	A	A		Routine			
6/8/2015	5:45	18210 Ckaymine	A	A		Routine			
6/8/2015	6:00	18368 Claymine	A	A		Routine			

Aerial Acres Water System

1500405

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
12/8/2014	8:00	Well #3	A	A			
5/8/2015	9:15	Well #3	A	A			GWR compliance
5/8/2015	9:28	Well #2	A	A			GWR Compliance
5/11/2015	6:35	Well #2	A	A			
5/11/2015	6:40	Well #3	A	A			
5/26/2015	6:00	Well #3	A	A			
5/26/2015	6:05	Well #2	A	A			
